

Senate Bill 53

By: Senators Jones of the 10th, Butler of the 55th, Anderson of the 43rd, Harrell of the 40th,  
Parent of the 42nd and others

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend an Act to create and establish in DeKalb County, Georgia, districts from which  
2 the members of the County Board of Education of DeKalb County shall be elected, approved  
3 April 12, 1963 (Ga. L. 1963, p. 3424), as amended, so as to provide that the boundaries of  
4 an independent school system are not extended by annexation unless expressly approved in  
5 a separate referendum; to provide for effective dates; to provide for transfer of students; to  
6 provide for ownership of property and buildings; to provide for binding arbitration; to  
7 provide for no change in school system boundaries under certain circumstances; to provide  
8 for intergovernmental agreements; to provide for related matters; to repeal conflicting laws;  
9 and for other purposes.

10 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

11 **SECTION 1.**

12 An Act to create and establish in DeKalb County, Georgia, districts from which the members  
13 of the County Board of Education of DeKalb County shall be elected, approved April 12,  
14 1963 (Ga. L. 1963, p. 3424), as amended, is amended by adding a new section to read as  
15 follows:

16 "SECTION 3.1.

17 (a)(1) When the corporate limits of any municipality that has within its boundaries an  
18 independent school system are extended by annexation, the boundaries of such  
19 independent school system shall not be extended to be coextensive therewith except as  
20 authorized by this section. The boundaries of any such independent school system may  
21 be extended by annexation pursuant to a separate and distinct popular vote of the electors  
22 residing in the DeKalb County school system regarding a change in such school system's  
23 boundaries, and any such extension shall not become effective until July 1 occurring at  
24 least 180 days after the effective date of a local Act adopted by the General Assembly  
25 pursuant to subsection (b) of this section or occurring at least 180 days after approval by

26 an independent school system and the DeKalb County Board of Education pursuant to  
27 said subsection, whichever is later.

28 (2) If an unincorporated area is annexed by a local Act of the General Assembly, the vote  
29 to extend the annexation to the independent school system shall be held no earlier than  
30 180 days and not more than 210 days after approval of the local Act by the Governor or  
31 upon its becoming law without such approval and shall be held, insofar as possible, under  
32 the procedures set forth in Chapter 2 of Title 21 of the O.C.G.A. for special elections.

33 (3) If the unincorporated area is annexed pursuant to Article 2 or Article 3 of Chapter 36  
34 of Title 36 of the O.C.G.A., the vote to extend the annexation to the independent school  
35 system shall be held no earlier than 180 days and not more than 210 days after adoption  
36 of the annexing ordinance and shall be held, insofar as possible, under the procedures set  
37 forth in Chapter 2 of Title 21 of the O.C.G.A. for special elections.

38 (4) If the unincorporated area is annexed pursuant to Article 4 of Chapter 36 of Title 36  
39 of the O.C.G.A., the vote to extend the annexation to the independent school system shall  
40 be held simultaneously with the referendum held pursuant to Code Section 36-36-58 of  
41 the O.C.G.A. and shall be held, insofar as possible, under the procedures set forth in  
42 Chapter 2 of Title 21 of the O.C.G.A. for special elections.

43 (b) If a majority of electors vote in favor of extending such independent school system  
44 boundaries into the area annexed pursuant to subsection (a) of this section, the area shall  
45 become a part of such independent school system but only if such vote is subsequently  
46 ratified by approval of a local Act of the General Assembly or by approval of both such  
47 independent school system and the DeKalb County Board of Education.

48 (c)(1) No student who as a result of an annexation becomes a resident of such  
49 independent school system pursuant to this subsection shall be required to change school  
50 systems during a school year. All students in such an annexed area shall be permitted to  
51 complete the current school year in the school they currently attend unless they otherwise  
52 become ineligible to attend such school. The local and state share of school funding shall  
53 remain with the local school system in which the student attends school. If local school  
54 system properties are transferred from the DeKalb County school system to such  
55 independent school system as a result of such an annexation, enrolled students who would  
56 be required to change schools may continue in their current schools under the same  
57 conditions described herein.

58 (2) Any student who becomes a resident of such independent school system pursuant to  
59 an annexation may remain in the DeKalb County school system if he or she is a rising or  
60 current fifth, eighth, eleventh, or twelfth grader. Such students may remain until the  
61 completion of their fifth, eighth, eleventh, or twelfth grade year but in no case for more

than one school year; provided, however, that a student completing his or her eleventh grade year may elect to remain until the completion of one additional school year.

(3) The DeKalb County school system shall receive the local funding portion for each student who elects to remain in the DeKalb County school system pursuant to this subsection. The State Board of Education shall calculate the amount for each such student and shall deduct the local funding portion from such independent school system's allotment and shall reallocate such amount to the DeKalb County school system. For purposes of this paragraph, the term 'local funding portion' means the amount of local funds from local property taxes and any other local source that would have been earned or levied on behalf of the student by such independent school system if he or she did not choose to remain in the DeKalb County school system; provided, however, that local transportation costs shall not be included in this amount.

(4) All state funding shall go to the local school system in which a student is enrolled.

(d)(1) Such independent school system may elect not to take ownership of any of the buildings or property owned by the DeKalb County school system that are within an annexed area that is included in such independent school system pursuant to this section. However, if such independent school system does elect to take ownership of any of the buildings or property owned by the DeKalb County school system that are within any such annexed area, the two school systems shall negotiate for a period not to exceed 90 days regarding compensation for and terms of transfer of such buildings or property. If the two school systems are unable to agree on compensation or terms of transfer, the chief judge of the Superior Court of DeKalb County in which such buildings or property are located shall appoint a special master to conduct binding arbitration regarding such compensation or terms of transfer.

(2) The special master shall base any decision regarding compensation on the following factors:

(A) The actual capital investment in the buildings or property made by the DeKalb County school system;

(B) The market value of such buildings or property;

(C) A proportionality ratio reflecting the value of contributions by residents in the annexed area; and

(D) A compensatory factor reflecting the number of students displaced and the amount necessary to construct a replacement facility, inclusive of land costs.

(3) The special master may delay the transfer of buildings or property for a time sufficient to allow the DeKalb County school system to make appropriate arrangements and may issue such other rulings as the circumstances may necessitate.

98 (e) Nothing in this section shall prevent the DeKalb County school system and such  
99 independent school system from entering into an intergovernmental agreement regarding  
100 the operation or ownership of buildings or properties in an annexed area or for attendance  
101 of students outside of the school system in which they reside.

102 (f) Notwithstanding anything in this section to the contrary, if the number of students in  
103 the annexed area who are enrolled in the DeKalb County school system does not exceed  
104 2 percent of the total number of students enrolled in the entire DeKalb County school  
105 system, no change in local school system boundaries shall be permitted; provided,  
106 however, that nothing in this subsection shall prevent the DeKalb County school system  
107 and such independent school system from entering into an agreement regarding school  
108 governance."

109 **SECTION 3.**

110 All laws and parts of laws in conflict with this Act are repealed.